

# **Exhibit A**

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**KENTON SMALLWOOD, CATHERINE  
CHRISTENSEN, RAHSAAN RENFORD,  
and BERTHIL IVARSON, individually and  
on behalf of the Class, and others similarly  
situated,**

**Plaintiffs,**

**vs.**

**ILLINOIS BELL TELEPHONE COMPANY,**

**Defendant.**

**CASE NO. 1:09-CV-4072**

**Magistrate Judge Morton Denlow**

**DECLARATION OF TIMOTHY C. SELANDER IN SUPPORT OF  
JOINT MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT**

TIMOTHY C. SELANDER, states on personal knowledge and under penalty of perjury:

1. I am an associate attorney at the law firm of Nichols Kaster, PLLP and am one of the attorneys representing Plaintiffs in the above-captioned action.
2. I am an attorney in good standing with the State Bar of Minnesota and am admitted to practice *pro hac vice* in this case.
3. Including the four (4) named Plaintiffs, 160 current and former Outside Plant Engineers employed by Defendant joined this case by filing consent forms with the Court.
4. On October 7, 2010, the parties participated in a full-day mediation with noted wage-and-hour mediator David Rotman of Gregorio Haldeman Piazza Rotman & Frank. After a full day of arm's-length negotiations, the parties agreed to this Settlement.
5. The parties retained Analytics, Inc. ("Analytics") to administer the Settlement and Notice process.

6. In accordance with the Court's Preliminary Approval Order, Analytics mailed the Notice to the 184 Class Members on November 24, 2010. Analytics also mailed a similar notice to the 160 Named and Opt-In Plaintiffs on the same day.

7. Prior to mailing, Defendant reviewed its employee records to determine the names and addresses for each Settlement Class Member and provided this information to Analytics.

8. Analytics then cross-referenced the addresses against the United States Postal Service National Change of Address Database and updated the address information accordingly.

9. Although the Notice period closed on January 4, 2011, the parties agreed to allow any claim forms or opt-out forms received by the close of business on January 5, 2011.

10. As of the close of business on January 5, 2011, 122 of the 184 Settlement Class Members (66%) fully completed and timely accepted the Settlement. Only six Settlement Class Members opted-out of the Settlement, and none objected. All 160 Named and Opt-In Plaintiffs fully completed and timely accepted the Settlement.

11. Only one Notice was returned as undeliverable to Analytics by the U.S. Postal Service and no further address information was available for this individual.

12. Analytics also mailed a reminder notice to 117 unresponsive Settlement Class Members on December 15, 2010.

13. Based on payroll data and individualized calculations conducted by Plaintiffs' Counsel, each Settlement Class Member will recover approximately fifty percent (50%) of his or her estimated overtime damages.

14. During the Notice period, Plaintiffs' Counsel promptly and diligently responded to numerous emails and phone calls from Settlement Class Members, as well as from the Named and Opt-In Plaintiffs.

15. Plaintiffs' Counsel served written discovery, including Interrogatories, Requests for Production of Documents, and Requests for Admission on Defendant.

16. In response to Plaintiffs' discovery requests, Defendant produced thousands of pages of documents, and tens of thousands of lines of electronic data related to Plaintiffs' job duties, pay, and hours of work. In preparation for mediation, Plaintiffs' Counsel spent significant time and resources reviewing and analyzing this information to estimate each individual's individual overtime damages.

17. Plaintiffs' Counsel deposed a number of Defendant's witnesses and managers.

18. The four (4) named Plaintiffs each answered Defendant's written discovery requests and three were deposed.

19. In Wlotkowski, et al. v. Michigan Bell Telephone Company, No. 09-cv-11898-NGE-VMM (E.D. Mich.), the Court approved service payment awards of \$10,000 to each of the eleven Named Plaintiffs.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: January 11, 2011

/s/Timothy C. Selander  
Timothy C. Selander, MN Bar No. 0387016  
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**Attorney for Plaintiffs and the Class**